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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,289

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Sturla Lutnaes

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EXAMINER

JOSEPH, DENNIS P

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,289	Applicant(s) LUTNAES, STURLA	
	Examiner Dennis P. Joseph	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/527,289.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to arguments in application No. 10/527,289, filed on September 12, 2007. Claims 1-11 are pending and have been examined.

Claim Rejections – 35 USC § 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that forms the basis for the rejections under this section made in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-11** rejected under 35 U.S.C. 103(a) as being unpatentable over

Langstraat (US 2003/0076302 A1) in view of Kraus et al. (US2003/0235452 A1)

Langstraat teaches in Claim 1:

A movement input device for use on a touch screen of a portable electronic device

([0001]) comprising:

a fastening unit configured to secure the movement input device on the portable electronic device and having a top and bottom side (Figure 5, socket **130** for receiving and holding the stylus **112**, [0018]); and

a user input unit (Figure 5, stylus **112**) fastened to and extending through the fastening unit (Figure 5, [0018]), wherein the user input unit comprises:

a user actuation part (Figure 5, the top part of stylus **112**) protruding from the top side of the fastening unit and being operable for actuation by a user for free angular movement with an angle of rotation around an axis (X) provided at least generally perpendicular to the top and bottom sides of the fastening unit (Figure 4 shows the rotational movement around the axis); and

a touch screen contact part protruding from the bottom side of the fastening unit, that is configured to contact the touch screen in a position where at least an angle of the contact position corresponds to the angle of the user actuation part, so that movement of the user input unit is detected (Figure 5, first end **116** for providing input commands, [0015]); but

Langstraat does not explicitly teach that “said fastening unit also being configured for placement over at least a part of the touch screen” or that the movement of the user input unit is detected “on the touch screen.”

However, in the same field of endeavor, touch pad systems, Kraus teaches “The user sends input to the host 102 by touching the display screen with a stylus 108 or with a keyboard overlay 110.” and “provides a “keyboard overlay” that sits on top of a touch-

sensitive display screen of a computing device.” (Kraus, [0010]) The fastening unit can be provided over the overlay and allow contact between the touch screen contact part and the touch screen and would allow the stylus to input to the touch screen by contacting it through the overlay.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to integrate the overlay as taught by Kraus with Langstraat’s fastening unit **130** in order to provide tactile ability to the screen area under the stylus as well as tactile feedback to help orient movement. (Kraus, [0007])

Langstraat and Kraus teach in Claim 2:

The movement input device (Langstraat, [0001]) according to claim 1, wherein the user actuation part and the touch screen contact part are joined together by a fastening part being fastened in the fastening unit while still allowing free movement round said axis. (Langstraat, Figure 5, the fastening unit **130** joins the stylus in place for allowing angular movement. The combination teaches of attaching the fastening unit to the overlay for the touch screen contact to interact with the touch panel.)

Langstraat and Kraus teach in Claim 3:

The movement input device (Langstraat, [0001]) according to claim 1, wherein the touch screen contact part comprises a pin configured to directly contact on the screen so that a radial movement of the touch screen contact part from the axis X corresponds to a radial movement of the user actuation part. (Langstraat, [0015], “stylus **112** may

include a rounded or blunt tip.” The combination teaches of attaching the fastening unit to the overlay for the touch screen contact, and the pin specifically, to interact with the touch panel.)

Langstraat and Kraus teach in Claim 4:

The movement input device (Langstraat, [0001]) according to claim 3, wherein the touch screen contact part further comprises a spring configured to force the pin in contact with the touch screen. ([0015], “capable of being selectively **extended and retracted** much like the writing tip of a conventional ball point pen.”)

Langstraat and Kraus teach in Claim 5:

The movement input device (Langstraat, [0001]) according to claim 1, wherein the touch screen contact part comprises a disc having a rim, which contacts the screen at a fixed distance from the axis of the screen upon actuation of the user actuation part. ([0015], “first end **116** may have any of several tapers or shapes (e.g., conical, ogival, **paraboloidal**, or the like. This is a disc with a rim.)

Langstraat and Kraus teach in Claim 6:

The movement input device according to claim 5, wherein the disc has parabolic shape. ([0015], paraboloidal.)

Langstraat teaches in Claim 7:

A portable electronic device comprising:

a body comprising a touch screen configured to detect inputs from a user on said screen; and a movement input device for use on said touch screen ([0001]) comprising:

a fastening unit configured to secure the movement input device on the body and having a top and bottom side (Figure 5, socket 130 for receiving and holding the stylus 112, [0018]); and

a user input unit (Figure 5, stylus 112) fastened to and extending through the fastening unit (Figure 5, [0018]), wherein the user input unit comprises:

a user actuation part (Figure 5, the top part of stylus 112) protruding from the top side of the fastening unit and being operable for actuation by a user for free angular movement with an angle of rotation around an axis (X) provided at least generally perpendicular to the top and bottom sides of the fastening unit, and

a touch screen contact part protruding from the bottom side of the fastening unit, that is configured to contact the touch screen in a position where at least an angle of the contact position corresponds to the angle of the user actuation part, so that movement of the user input unit is detected (Figure 4 shows the rotational movement around the axis)

Langstraat does not explicitly teach that the “fastening unit also being configured for placement over at least a part of the touch screen” or that the movement of the user input unit is detected “on the touch screen.”

However, in the same field of endeavor, touch pad systems, Kraus teaches “The user sends input to the host 102 by touching the display screen with a stylus 108 or with a keyboard overlay 110.” and “provides a " keyboard overlay" that sits on top of a touch-

sensitive display screen of a computing device.” (Kraus, [0010]) The fastening unit can be provided over the overlay and allow contact between the touch screen contact part and the touch screen and would allow the stylus to input to the touch screen by contacting it through the overlay.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to integrate the overlay as taught by Kraus with Langstraat’s fastening unit **130** in order to provide tactile ability to the screen area under the stylus as well as tactile feedback to help orient movement. (Kraus, [0007])

Langstraat and Kraus teach in Claim 8:

The portable electronic device according to claim 7, further comprising an input determination unit for determining positions of input from a user. (Langstraat, Figure 5, detector **136**, [0023])

Langstraat and Kraus teach in Claim 9:

The portable electronic device according to claim 7, wherein the fastening unit is rotatably connected to the body. (Langstraat, Figure 1 shows **130** to be rotatably connected to the device.)

Langstraat and Kraus teach in Claim 10:

The portable electronic device according to claim 9, wherein the body further comprises a fastening unit sensing device configured to sense if the fastening unit is in

position for providing inputs from the movement input device on the touch screen. (Langstraat, Figure 5, detector 136 has a force sensing apparatus for sensing movement as well as being able to determine movement, ([0023]. The combination teaches of attaching the fastening unit to the overlay for being able to contact the touch screen. By doing this, it can detect whether the fastening unit is in position to provide inputs.)

Langstraat and Kraus teach in Claim 11:

The portable electronic device according to claim 7, wherein the device is a mobile phone. (Langstraat, Figure 1)

Response to Arguments

4. Applicant's arguments considered, but are respectively not persuasive.

Applicant states the stylus 112 does not extend through the socket 130, but as seen from Figure 5, it does indeed go through the socket to make contact with the lower portion of the boot 134.

Applicant also argues that the end of the stylus does not protrude from the bottom side of the socket 130. However, the combination with Kraus teaches to apply the stylus to the overlay, resulting in protruding the stylus into the valleys 310 as shown in Figure 3b of Kraus and described in detail in [0034]. It would be obvious to one of ordinary skill in the art that the stylus is protruding to/from a bottom side of the socket as a result.

The overlay as taught by Kraus is used to provide a touch contact surface for the stylus to make contact with in order to provide coordinate input to the device. Therefore,

it would be obvious to one of ordinary skill in the art to be motivated to combine the two references in order for the stylus to have touch screen contact capabilities.

As a result, these arguments are considered to respectively be not persuasive.

Conclusions

5. Applicant's arguments were not considered persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis P. Joseph whose telephone number is 571-270-1459. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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